

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DOUGLAS WOOD and SANDRA  
KARLSVIK, husband and wife,

Plaintiffs,

v.

KITSAP COUNTY; WEST SOUND  
NARCOTICS ENFORCEMENT TEAM;  
OFFICER MATTHEW DOUGIL WestNET);  
GIG HARBOR POLICE DEPARTMENT;  
DETECTIVE JOHN DOE SCHUSTER  
(WestNET) DETECTIVE JOHN HALSTED  
(POULSBO POLICE DEPT, WestNET, Badge  
#606); DETECTIVE G.R. MARS (WSP  
STATEWIDE INCIDENT RESPONSE  
TEAM, Badge #685); DETECTIVE JOHN  
DOE WILSON and JOHN DOES 1-25

Defendants.

No. C05-5575RBL

DECLARATION OF MARK LEEMON  
IN RESPONSE TO MOTION FOR  
SUMMARY JUDGMENT and IN  
RESPONSE TO ORDER TO SHOW  
CAUSE

MARK LEEMON, declares on oath as follows:

1. I am the attorney of record for the Plaintiffs herein.
2. I apologize to the Court and counsel for my failure to earlier respond to the motions for summary judgment. Because of difficulties in scheduling, I was unable to take the depositions of several of the officers involved in this matter. For this reason, and by agreement of counsel Defendants agreed once to continue the hearing on their motions to allow me to complete necessary

1 discovery. Unfortunately, the only date that could be set for the depositions was the day I was  
2 leaving town for Thanksgiving. However, discovery in this case has been proceeding in a very  
3 cooperative manner. The depositions I requested to take were of State Patrol officers, and counsel  
4 for the State agreed to make them available at a later date if I would limit the depositions to two. I  
5 agreed to do so. In light of the motion by several defendants to stay discovery pending the outcome  
6 of the summary judgment motions, I determined to forego seeking responses to pending written  
7 discovery for the time being.

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9 The depositions were held. Unfortunately, they were held late enough to make response to  
10 the motions impossible by the time required. Since all parties were at this point in agreement that  
11 the depositions should be completed in time for my response, I believed (and continue to believe)  
12 defense counsel would agree to once again re-note motions to allow time for my response. Both I  
13 and my paralegal have been communicating with counsel about such requests. For reasons I cannot  
14 adequately determine, this request, which I thought had been made was not. I know my paralegal  
15 believes I was to do this, and I take full responsibility for it not being done. The first notice I had of  
16 this was a computer tickler advising me of the date of the hearing. Within hours before I received  
17 the court's order to show cause, I had sent an e-mail to defense counsel requesting that they again re-  
18 note the motion. The Court's order reached me before the response to my e-mail.

19  
20 I am deeply sorry for any inconvenience I have caused the Court or Counsel, and have taken  
21 steps to formalize and improve communication about such matters in my office to avoid it happening  
22 in the future.

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24 3. Attached hereto as Exhibit 1 is a copy of the complaint seeking a search warrant for the  
25 search in question herein of the plaintiff's property.  
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1 4. Attached hereto as Exhibit 2 is a copy of exhibit 27 to the depositions herein referred to in  
2 the depositions of defendants Halted and Dougil.

3 5. Attached hereto as Exhibit 3 is a copy of exhibit 21 to the depositions herein referred to in  
4 the depositions of defendant Dougil.

5 6. Attached hereto as Exhibit 4 are excerpts from the deposition of defendant Dougil.

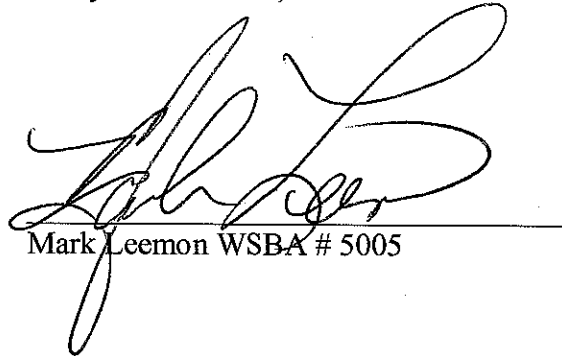
6 7. Attached hereto as Exhibit 5 are excerpts from the deposition of defendant Halsted.

7 8. Attached hereto as Exhibit 6 are excerpts from the deposition of defendant Mars.

8 I swear under Penalty of perjury that the foregoing is true and correct.  
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11 Signed at Seattle, Washington, this 29<sup>th</sup> day of December, 2006.

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Mark Leemon WSBA # 5005